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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,769	07/25/2003	Vladimir Portnykh	Q74805	1853

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EXAMINER
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ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 July 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>7/03; 7/04; 2/05</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This document is the first Office Action on the merits. This action is responsive to the following communications: The Non-Provisional Application, which was filed on July 25, 2003.

2.   Claims 1-24 have been examined, with claims 1, 3, 11, 13, and 17 being the independent claims.

3.   The Abstract is objected to.

4.   The Specification is objected to.

5.   Claims 1-24 are rejected.

Information Disclosure Statement

6.   A signed and dated copy of applicant's IDS, which were filed on July 25, 2003, July 12, 2004, and February 7, 2005, are attached to this Office Action.

Abstract of the Disclosure

7.   The use of the trademark ADOBE PREMIERE has been noted in the abstract to this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The Specification

8.   Applicant is required to update the status (pending, allowed, etc.) of all parent

priority applications in the first line of the specification. The status of all citations of U.S.

filed applications in the specification should also be updated where appropriate.

9.   The use of the trademark ADOBE PREMIERE has been noted in this application.

It should be capitalized wherever it appears and be accompanied by the generic

terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

10.   The lengthy specification has not been checked to the extent necessary to

determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the

specification.

Claims Rejections – 35 U.S.C. 112, Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

11.   **Claims 1-24** are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1-24 specify a template "described in an extended Markup Language

(XML)." The computer language "XML" is an evolving format standard generated by

Working Groups of the World Wide Web Consortium (W3C). See, "Extensible Markup

Language (XML)," W3C, downloaded May 28, 2006 from: www.w3.org/XML,

downloaded pages 1-4.

In that the XML is an evolving standards, the claims limitations specifying XML

are indefinite. Therefore the claimed subject matter can not be determined by one

having ordinary skill in the art.

12.   **Claims 10 and 24** are further rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claims 10 and 24 specify that "the unique data format is MPEG-2." MPEG-2 is a

collection of evolving international standards under the auspices of the Motion Picture

Expert Group (MPEG). See, "MPEG-2, Short MPEG-2 description," ISO/IEC, October

2000, downloaded May, 28, 2006 from: www.chiariglione.org/mpeg/standards/mpeg-

2/mpeg-2.htm, downloaded pages 1-5.

In that the MPEG-2 is a broad collection of evolving standards, the claims limitations specifying MPEG-2 are indefinite. Therefore the claimed subject matter can not be determined by one having ordinary skill in the art.

13.   In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejection under 35 U.S.C. 112, second paragraph.

Claims Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14.   **Claims 1-9 and 11-23** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dekel, International Application Number: PCT/US99/31023, International Publication Number: WO 00/39997, published July 6, 1000) [hereinafter "Dekel"].

Regarding **independent claim 1**, Dekel teaches:

A nonlinear video editing method comprising:

> *expressing a user action to be selected and performed as a template that*
>
> *includes a component, and described in an extended Markup Language (XML);*
>
> *and*
>
> *performing the user action and rendering a result of the user action.*

(See, Dekel, pages 5-18, specifically, page 8, lines 9-12, teaching video editing with

templates described in XML.)

Regarding **dependent claim 2**, Dekel teaches:

> *The method of claim 1, wherein the component comprises information on*
>
> *at least one of:*
>
> *a name of the user action to be performed;*
>
> *a number of input parameters used in the user action; a number of output*
>
> *parameters output as results of the user action; and*
>
> *a level of access to the user action.*

(See, Dekel, figure 8, teaching user actions that may be selected and performed.)

Regarding **independent claim 3**, Dekel teaches:

> *A nonlinear video editing method comprising:*
>
> *initializing a plurality of available user actions;*
>
> *selecting one of the plurality of initialized available user actions;*
>
> *selecting input resources that perform the selected available user action;*

> performing the selected available user action and examining results of the
>
> performed available user action; and
>
> confirming finishing of the available user action and rendering the results
>
> of the finished user action.

(See, Dekel, figure 8, teaching user actions that may be selected and performed.)

Regarding **dependent claim 4**, Dekel teaches:

> The method of claim 3, wherein the user action includes information on at
>
> least one of:
>
> a name of the user action to be performed;
>
> a number of input parameters used in the user action;
>
> a number of output parameters output as results of the user action; and
>
> a level of access to the user action.

(See, Dekel, figure 2, and page 7, lines 20-28, teaching parameters for user action.)

Regarding **dependent claim 5**, Dekel teaches:

> The method of claim 3, wherein the input resources include a transform
>
> that denotes transitions and effects that describe a user action to be performed, a
>
> physically existing real video clip, and a virtual union of the transform and the real
>
> video clip.

(See, Dekel, figures 3 and 8, and page 7, line 20 through page 8, line 30, specifically

page 8, lines 6-8, teaching the name.)

Regarding **dependent claim 6**, Dekel teaches:

> *The method of claim 3, wherein, in the rendering step, the results include a list of performed user actions, logical results of user actions performed prior to the rendering step, and real video files.*

(See, Dekel, page figures 3 and 8, and page 7, line 20 through page 8, line 30, teaching the list of the "style" which is the logical results of the user actions.)

Regarding **dependent claim 7**, Dekel teaches:

> *The method of claim 3, wherein the available user actions include a resource importing action, a resource closing action, an editing result deleting action, an editing result exporting action, a clip splitting action, a clip merging action, and a clip inserting action.*

(See, Dekel, pages 5-18, teaching the creation and editing of the video, including the specified actions.)

Regarding **dependent claim 8**, Dekel teaches:

> *The method of claim 7, wherein the resource importing action receives local files from an external source or data from a digital camera or an Internet streaming source, and edits the received files and data.*

(See, Dekel, page 5, lines 9-16, teaching creation of the video through retrieval of different source materials.)

Regarding **dependent claim 9**, Dekel teaches:

> The method of claim 7, wherein the editing result exporting action stores
> the editing results in a unique data format designated by a user.

(See, Dekel, figure 8, element 142, teaching outputting the resultant movie "to video,

video tape recorder, or video streaming server," any one of which sources would have a

unique data format necessarily designed by the user for the exportation.)

Regarding **independent claim 11,** Dekel teaches:

> A nonlinear video editing apparatus comprising:
>
> a user action initialization unit that initializes available user actions;
>
> a user action input unit that receives a user action selected by a user from
> the initialized available user actions;
>
> a resource input unit that receives input resources used to perform the
> selected user action;
>
> a user action performing unit that performs the selected user action based
> on the respective outputs of the user action initialization unit, the user action
> input unit and the resource input unit;
>
> a result examining unit that examines results of the performed selected
> user action; and
>
> a rendering unit that confirms finishing of the selected user action and
> renders the results of editing.

(Claim 11 incorporates substantially similar subject matter as claimed in claim 1 and is rejected along the same rationale.)

Regarding **dependent claim 12**, Dekel teaches:

> *The apparatus of claim 11, wherein the user action includes at least one of information on:*

> *a name of the user action to be performed;*

> *a number of input parameters used in the user action; a number of output parameters output as the results of the user action; and*

> *a level of access to the user action.*

(Claim 12 incorporates substantially similar subject matter as claimed in claim 2 and is rejected along the same rationale.)

Regarding **independent claim 13**, Dekel teaches:

> *A graphic user interfacing method in a nonlinear video editor, comprising:*

> *presenting available user actions to a user and providing a display for receiving a user action selected by the user;*

> *providing a source file display for presenting and displaying a source file used to perform the selected user action; and*

> *providing a result display for displaying results of the selected user action performed using the source file selected by the user.*

(Claim 13 incorporates substantially similar subject matter as claimed in claim 1 and, in

consideration of the following, is rejected along the same rationale. See, Dekel, figure

2, and page 3, lines 12-20, teaching a graphical user interface, in particular in use with

windows type programs.)

Regarding **dependent claim 14**, Dekel teaches:

> *The method of claim 13, wherein each of the available user actions is*
>
> *expressed in a resource that represents input files used to perform the user*
>
> *action, a transform that denotes one of a transition and an effect used to describe*
>
> *the user action with respect to the resource, and a virtual union of the resource*
>
> *and the transform.*

(See, Dekel, pages 1-18, specifically, page 7, line 20 through page 8, line 30, teaching

the list of the "style" which is the logical results of the user actions and which transforms

the input to perform the user action to the desired effect.)

Regarding **dependent claim 15**, Dekel teaches:

> *The method of claim 14, wherein the resource includes information on a*
>
> *time to start displaying the resource, a time to stop displaying the resource, a*
>
> *time to start editing the resource, a time to stop editing the resource, a name of a*
>
> *resource file, and whether sound is available.*

(See, Dekel, page

Regarding **dependent claim 16**, Dekel teaches:

The method of claim 14, wherein the virtual union includes information on

a time to start editing the resource, a time to stop editing the resource, and

whether sound is available.

(See, Dekel, figure 8, teaching starting and stopping video clips, and the availability of

sound.)

Regarding **claims 17-23** :

Claims 17-23 incorporate substantially similar subject matter as claimed in claims

3-9 and are rejected along the same rationale.

15.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the references should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16.   **Claims 10 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dekel, International Application Number: PCT/US99/31023, International

Publication Number: WO 00/39997, published July 6, 1000) [hereinafter "Dekel"].

Regarding **dependent claim 10**, Dekel teaches:

The method of claim 9, wherein the unique data format is MPEG-2.

(It would have been obvious to one of ordinary skill in the art at the time of the invention

to have exported the resultant video data in MPEG-2 format in that MPEG-2 is a

standard and well recognized format described in International standards of the ISO and

intended to be used for video formatting. See, "MPEG-2, Short MPEG-2 description,"

ISO/IEC, October 2000, downloaded May, 28, 2006 from:

www.chiariglione.org/mpeg/standards/mpeg-2/mpeg-2.htm, downloaded pages 1-5.)

Regarding **dependent claim 24**:

Claim 24 incorporates substantially similar subject matter as claimed in claim 10

and is rejected along the same rationale.

17.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the references should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Conclusion

18.   The following prior art is made of record and not relied upon that is considered

pertinent to applicants' disclosure:

Ange (U.S. Patent 6,121,963), teaching video files within Java.

Individuals associated with the filing or prosecution of a patent application are

reminded of their obligations pursuant to 37 CRF 1.56. See generally, MPEP 2001 and

subsections.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael K. Botts whose telephone number is 571-272-

5533. The examiner can normally be reached on Monday through Friday 8:00-4:00

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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